

advocate profile: Dan McCoy, MD, Dallas, Tx.

lessons from successful advocacy efforts by fellow ASDSA members



Dan McCoy, MD

ASDSA Texas SAIDSO Representative, and former Texas Dermatological Society President and Chair of the Committee on Legislation and Socioeconomics

Dan McCoy, MD, was a leader in Texas Dermatological Society's efforts to pass legislation to improve requisite training and oversight for laser hair removal. We sat down with him to find out what he learned from the experience.

What does the new law do?

For the first time, laser hair removal will be regulated in the state of Texas. The new law:

- Allows only laser hair removal to be performed
- Prohibits diagnosis and treatment by non-physicians
- Requires training, testing and continuing education for laser hair removal technicians
- Prohibits advertising medical benefits from laser hair removal
- Requires physician developed protocols
- Requires a consulting physician
- Requires facility and records inspections
- Requires posting of a complaint procedure with a toll free number to file a complaint
- Requires maintaining a registry of adverse reactions
- Requires lasers to be registered with the Department of State Health Services, and with notification if sold.
- Allows for penalties up to \$5,000 and potential loss of license for violators of the law

Additionally, the new law directed the Texas Department of State Health Services (TDSHS) to draft rules of implementation for the new legislation. The draft rules were released for comments and included a series of scheduled work sessions and public comment forums.

Why was this legislation so important?

The passage of this bill represents a critical victory in the battle in Texas, which has gone on for more than a decade now, over who can provide laser hair removal and under what circumstances. It started with a 2000 inquiry made to the Texas Medical Board (TMB) for guidance regarding physician delegation of an Epilight laser hair removal device. TMB spent three years carefully studying and communicating with stakeholders about the issue before adopting excellent laser rules in November 2003 which were to go into effect in December 2004. However, two lawsuits filed by parties opposed to the new regulation blocked its enforcement while the Texas State Legislature considered the issue.

Laser bills were filed in the 79th and 80th Texas State Legislative Sessions but were not passed. In 2008, the TMB repealed its laser rules due to lack of ability to enforce them. Since the Texas State Legislature only meets every other year, this added up to another four years of battling by patient safety advocates. Finally, in the 81st Texas State Legislative Session, a bill was passed.

The new implementation rules were scheduled to be finalized and released June 1, 2010 but have been delayed due to a budget reduction directive from the Governor. Despite the delay, TDS

believes the final rules will continue to address our concerns for patient safety.

What advice would you give to other Dermatology Societies looking to emulate your success?

First, hire a professional. Contrary to popular media and politician's characterizations of lobbyists as devils in snakeskin shoes delivering suitcases full of money, we've had an extremely positive experience with Texas Dermatological Society's (TDS) lobbyist, David Marwitz. Although you may be the expert on your issue, hiring a lobbyist helps you negotiate the political process and provides you with access to elected officials and legislative staff via an individual who has already developed a relationship and reputation with these policymakers. With David's help, TDS has become a market leader in health care in driving our state-wide agenda--involved in not just dermatology issues, but also taxes, Medicaid, and the like.

Secondly, engage your membership. As helpful as having a lobbyist is in gaining access to key decision-makers and strategizing, elected officials know that a lobbyist is a hired gun. Legislators want to hear from a large number of their constituents that an issue is a priority to them. As dermatologic surgeons, we're on the frontline of seeing the disastrous effects when these lasers get into the wrong hands. We're also extremely busy, and reluctant to take time away from our practices to engage in politics. However, it's that very engagement that can have a large and lasting effect on the laws and regulations that will dictate how we can practice medicine. TDS developed a strategy to have dermatologists attend each work session, provide comments at each public forum, develop coalitions

with other physician associations and societies, meet with TDSHS staff, and coordinate letters from legislators and letters/emails from dermatologists throughout the state in support of implementation rules that reflected legislative intent and patient safety.

How was the ASDSA helpful to you in your efforts?

The ASDSA played a supporting role by providing us with a national perspective of the issue. This included information on what regulations and legislation other states had in place, studies and articles

to back up our argument, and photos of patient injury to use in our presentations. Being a member of the ASDSA SAIDSO network also gave me the opportunity to connect directly to the ASDSA members who were most active in legislative issues in their states. ■

2010 ASDSA Patient Safety Hero Awards announced at Annual Meeting

The 2010 winners of the ASDSA Patient Safety Hero Awards were presented at the ASDS/ASDSA Business Meeting on October 22, 2010, in conjunction with the ASDS/ASCDAS Annual Meeting in Chicago, Ill.

2010 State Dermatological Society Patient Safety Hero: Texas Dermatological Society

The 2010 State Dermatological Patient Safety Hero award was presented to the Texas Dermatological Society (TDS for successfully developed a campaign to educate state legislators, media and the general public about the dangers of undergoing laser procedures by untrained and unsupervised non-physicians. This leadership resulted in laser hair removal

legislation passing into law during the 81st session of the Texas Legislature. For the first time, Texas has enforceable laser hair removal regulations. Paul M. Friedman, MD, accepted the award on behalf of TDS. More information about the new legislation and TDS' efforts are included in the "Advocate Profile" in this issue of *Currents*.

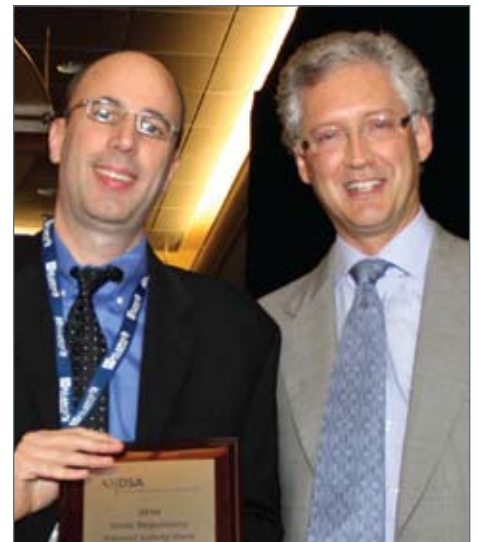
2010 State Regulatory Patient Safety Hero: Maryland Board of Physicians

The 2010 State Regulatory Patient Safety Hero Award was presented to the Maryland Board of Physicians. This past August, the Maryland Board of Physicians enacted strong patient safety regulations for minimally invasive cosmetic medical procedures. These new regulations keep these procedures in the hands of qualified physicians and update protection for Maryland patients in the 21st century world of minimally invasive medical procedures. Lawrence J. Green, MD, accepted the award for the Maryland Board of Physicians. Dr. Green and the new regulations were profiled in the September/October issue of *Currents*.

Patient Safety Hero Awards promote patient safety through the recognition of leaders who have taken an active role in the promotion and protection of patient safety for cosmetic medical procedures. Patient Safety Heroes are nominated by ASDSA members and are selected by the ASDSA Scope of Practice Work Group. Nomination information for the 2011 Patient Safety Hero Awards will be available on our website, www.asds.net, in the spring. ■



Dr. Friedman accepts the Patient Safety Hero Award.



Dr. Green accepts the Patient Safety Hero Award.